



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/851,977

05/10/2001

Takahiro Koga

01USFP641-m.k.

4106

30743

7590

11/30/2005

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/851,977

Applicant(s)

KOGA, TAKAHIRO

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-12 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/8/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky et al. in view of Admitted Prior Art.

Voyticky teaches an integrated television and internet information system. Specifically, Voyticky teaches that broadcast signals are distributed within a user's home in any conventional manner (column; 5 lines 32-34). Examiner notes that this represents broadcasting a program including an advertising program of articles from a broadcast system to a user terminal.

Voyticky then teaches the user selecting event information, transferring it to a home computer and the home computer establishing a connection with the central server via the Internet and sending the event information to the server (e.g. column 6; lines 16-21). Examiner notes that the central server represents Applicant's service system. In addition this teaching represents selecting on user terminal, a specific one of said articles (events) in which user has interest when user views advertisement on user terminal.

Voyticky further teaches once a connection has been established time stamp information, SDC table data and user information are encrypted and sent to the server via the Internet (column

Art Unit: 3627

13; lines 23-29). Also, customer information could include a customer code that optionally identifies each subscriber to the system and provides additional information about the subscriber (column 14; lines 20-27). Examiner notes that this represents informing selection to service system through a network with user ID, wherein customer data is registered in relation to user ID.

Voyticky teaches that the product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed. Numerous other alternatives presentation approaches can be readily utilized (column 6; lines 55-62). Examiner notes that the presentation format represents Applicant's policy data. In addition, how a particular product manufacturer/advertiser wishes to have their product displayed represents that advertiser inputting policy data to the central server/service system.

Voyticky further teaches that the server selects the products that meet the criteria and presents the resulting assortment to the user (column 17; lines 57-59). Examiner notes that when the server presents just the products selected by the user, the server is preparing a private advertising page and presenting it to the user over the network.

Voyticky also teaches capturing in a product table information commonly used in computer-assisted marketing systems (column 17; lines 50-51). Examiner notes that this represents producing marketing data based on purchase of products.

Voyticky does not specifically teach advertising program being produced by an advertising agent in response to a demand transmitted by an advertiser from an advertiser system

Art Unit: 3627

to an advertising agent system. Applicants admits in Figure 1 and on pages 1 and 2 of the specification that it is prior art for an advertiser to request an advertising agency to advertise articles and for the advertising agency to produce an advertisement program, then transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Voyticky so that an advertiser requests an advertising agency to produce the advertisement program, then to transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program as taught by Applicant's admission. One of ordinary skill at the time of the invention would be motivated to combine the references as taught in order for an advertiser to leverage the skills and resources of an advertising agent when marketing a product.

### ***Response to Arguments***

Applicant's arguments filed 9/8/05 have been fully considered but they are not persuasive. Applicant asserts that, "Examiner does not contend that the limitations of Claims 2-3 or of 13-14, is anticipated by Voyticky." Examiner starts by noting that claims 2-3 and 13-14 stand rejected in this and the previous office action under 35 USC 103(a) as being **unpatentable** over Voyticky in view of Admitted Prior Art. Examiner believes that the Office's position with regards to these claims is clear from the Office Action.

Applicant further asserts that the Examiner has misread the Specification at 13, lines 5-6. Examiner apologizes for this error and notes that the passage cited by the Examiner is a direct quote from Applicant's Specification pages 2, line 24 through 3, line 5.

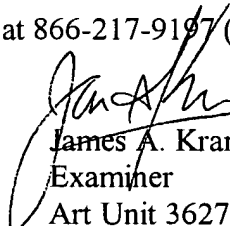
Art Unit: 3627

Applicant asserts that Examiner relies upon unspecified prior art in order to provide motivation to combine Voyticky with the Admitted Prior art. Examiner reminds Applicant that motivation to combine references can be found in what one of ordinary skill in the art would know. It is Examiner's position that one of ordinary skill in the art would reasonably have known that leveraging the skills and resources of an advertising agent when marketing a product would have rendered the combination obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/25/05  
James A. Kramer  
Examiner  
Art Unit 3627

jak